

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

July 1, 2014

POST SUMMARY MINUTES

PRESENT: Chairman Jeffrey E. Turner, Vice-Chairman Shana M. Rooks, Commissioner Michael Edmondson, Commissioner Sonna (Singleton) Gregory, Commissioner Gail Hambrick, and Clerk Shelby D. Haywood.

1. Chairman Turner called the meeting to order.
2. Invocation was led by Reverend Helen Booth of Floyd Chapel Baptist Church in Stockbridge, Georgia. Pledge of allegiance to the flag was led by Chairman Turner.
3. Amended the agenda by deleting item #6 (PROCLAMATION: "Clayton County Observes July 2014 as National Parks and Recreation Month," presented by Chairman Jeffrey E. Turner), at the request of Parks and Recreation Director Detrick Stanford. Clerk Haywood announced that the Board had agreed in the 6:30 p.m. pre-meeting to vote in public for either a half penny or whole penny sales and use tax levy for public transportation in the County. She requested a motion from the Board to confirm a majority vote for their sales and use tax levy preference. The Board's majority vote would count for Resolution 2014-165 which would be added to the agenda as an amendment. Following are the Board's votes for the half penny and whole penny sales and use tax levy for public transportation in the County.

Motion by Vice-Chairman Rooks, second by Chairman Turner, to approve Resolution 2014-165 with a whole penny sales and use tax levy for public transportation in Clayton County. The motion failed to pass by a 3-2 vote. Commissioners (Singleton) Gregory, Hambrick, and Edmondson opposed the whole penny sales and use tax levy. Chairman Turner and Vice-Chairman Rooks were in favor of the whole penny sales and use tax levy.

Commissioner Edmondson stated that in light of the updated transit services report by MARTA as well as the letters the commissioners have received from MARTA CEO Keith Parker and Norfolk Southern Railroad, he wanted to amend the agenda with the following motion:

Motion by Commissioner Edmondson, second by Commissioner Hambrick, to approve Resolution 2014-165 with a half penny sales and use tax levy for public transportation in the County. The motion carried 3-2. Commissioners Edmondson, Hambrick, and (Singleton) Gregory were in favor of a half penny sales and use tax levy. Chairman Turner and Vice-Chairman Rooks opposed a half penny sales and use tax levy.

As a result of the half penny sales and use tax levy being approved by a majority Board vote, the Board also amended the agenda by adding Resolution 2014-165 (A Resolution of the Board of Commissioners of Clayton County, Georgia approving and authorizing the execution, by the Chairman of the Clayton

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County Board of Commissioners, of a rapid transit contract between Clayton County and the Metropolitan Atlanta Rapid Transit Authority providing for the terms and conditions of the acquisition, construction, improvement and operation of a rapid transit system; requesting the Election Superintendent to call an election of the voters of Clayton County to approve the levy of a retail sales and use tax at the rate of one half of one percent for rapid transit purposes; approving the form of ballot to be used in such an election; and for other purposes). The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.

4. Approved the June 17, 2014 Regular Business Meeting and the June 19, 2014 Special Called Public Transportation Work Session minutes. Vote unanimous.

5. PUBLIC COMMENT: Citizens will be given a three (3)-minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Following thirty minutes of hearing from the public, the Board of Commissioners will allow the remainder of citizens who have signed up to be heard at the next Tuesday business meeting. (NOTE: Clerk Haywood noted that all persons speaking before the Board should speak directly into the microphone to be properly heard. She also cautioned everyone not to use abusive language and/or make personal attacks on the Board.)

Before the Board received public comments, Chairman Turner recognized all of the federal, state, and local elected officials in the audience. He asked everyone to applaud them for their contributions to government.

1) Lorraine Dye, a Jonesboro resident, was present as a representative of Lovejoy Mayor Bobby Cartwright. Mayor Cartwright sent his apology for being unable to be here tonight due to a prior commitment. Ms. Dye read a letter to the Board from Mayor Cartwright which stated transportation has been a long-standing issue for the city of Lovejoy and Clayton County. Mayor Cartwright noted in the letter that as Clayton County continues to thrive, transportation is a vital part of economic growth. Residents have always had to travel to the closest stop, which until 2010 was in Jonesboro. The current lack of transportation has adversely affected Lovejoy's economy and housing. Presently, Lovejoy is vying for the position of the largest city in Clayton County. He hoped that any plan for transportation in Clayton County would take into consideration service that would greatly benefit Lovejoy residents. Mayor Cartwright acknowledged that he and the Lovejoy City Council were ready and willing as public servants to work with county government on the selection and implementation of a public transportation stop in Lovejoy. Funding is an important aspect of bringing sustainability to Clayton County. He believed the half penny sales and use tax levy would be sufficient. With that being said, Mayor Cartwright urged the Board and county leaders to formulate a plan for a viable system that would be economical for and beneficial to Clayton County citizens.

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2) Linda Ingram, a Clayton County resident, informed the Board that she watched TV 23 frequently. In the broadcast of commission meetings, she noted that the expression of “we want to move the county forward” is often stated. Ms. Ingram asked the Board if it had forgotten about Animal Control in the County. By now, she would have thought that the new Animal Control facility would be finished. Any idea about this facility’s completion appears to be put on the “back burner” or maybe even forgotten. She was here tonight to help change that idea and to get the County back on track. According to Ms. Ingram, it was time to speak up and tell the citizens the truth about what is really happening in the building of the new Animal Control facility. Ms. Ingram further stated that the existing Animal Control facility is much too small to support incoming cats and dogs. She wanted the Board to reconsider the new facility plan and install more kennels. It was not too late to do so. Ms. Ingram stressed that the county citizens want a new Animal Control facility now. County residents voted for this new facility in the 2009 SPLOST election, and that was a long time ago. Although SPLOST monies are for a new Animal Control facility that is quoted to be “in progress,” there is still zero completion. SPLOST monies have been earning interest for over five (5) years, so she hoped the interest would be used toward taking care of the animals. Her question tonight was, “When are we going to move forward with Animal Control?” Ms. Ingram just wanted a truthful answer to her question. She believed many citizens were unaware that dogs and cats are killed to make room for more animals. Ms. Ingram reiterated that she was simply asking for an answer regarding what is being done about Animal Control.

3) Danny Kirby, a Clayton County citizen and homeowner, stated that he was very concerned about Animal Control which is “out of control.” He was a loving owner of four (4) animals whom he affectionately called his “children”; a fourteen pound cat with remarkable speaking abilities and three (3) Labradors with incredible athletic skills of leaping and kneeling during Morning Prayer outside. Mr. Kirby said it was inconceivable for anyone to think that animals did not have souls. Per Mr. Kirby, Animal Control is systematically killing animals and this Board needs to make Clayton County a “No Kill County.” If the Board could not step up to the plate to do this, then it needed to let someone else who can.

4) Kimberly Kirby, a Clayton County resident, voiced concerns about the noise pollution she experienced from living near the Atlanta Hartfield-Jackson International Airport. She asked the Board to do something to relieve homeowners in her area. Ms. Kirby also thanked the Board for making positive changes in Animal Control. She was still waiting on information regarding the status of a new Animal Control facility that taxpayers voted for in 2009. The County needs a new facility with more kennels, more veterinary services, more spaying/neutering services, reduced reclaim fees, etc. Ms. Kirby asked the Board to get the word out to the public that their missing pets may be at

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Animal Control, and the County is not above killing animals to make space for more. She finally asked the Board to consider adopting out animals just as Fulton County and DeKalb County do.

5) Toney Griffin, a Clayton County resident, expressed that he was not against public transportation or MARTA. He was just against the tax increase to support MARTA transit. Mr. Griffin beseeched the Board to make non-emotional decisions about public transit finances and growth potential in the County. He believed this tax increase would not retain businesses or attract businesses in Clayton County. The decision for public transit is bigger than this County and can no longer be piecemealed or sought after by county to county to solve.

6) Charlie Fleming, Georgia AFLCIO President, thanked the Board for the opportunity to speak. He was present to support the whole penny tax for public transit with MARTA and asked the supporters in the audience to stand up for recognition. Mr. Fleming emphasized that public transit unifies diverse groups of people and is the second largest expense in households. He supported public transit because it relieves traffic congestion and potentially provides good jobs for Clayton County. Mr. Fleming asked the Board not to be short-sighted because Clayton County is now in competition with others in the community.

7) Mayor Evelyn Wynn-Dixon of Riverdale stressed the need for public transportation in Clayton County. Before she had a car, she, too, had to use public transit. Mayor Wynn-Dixon expressed that she really supported the whole penny tax, but she was willing to support the half penny tax to help people with their lifestyles. She urged the Board to table rail at this time and re-visit it in the future because transportation is an urgency in this County.

8) Former State Representative Roberta Abdul-Salaam stated she had been a leader for 25 years and had a long history of working with this community for the good of the people. She noted that Clayton County has not had public transportation for the past four (4) years. There is a great need for a quality, affordable, first class bus system. If funding set this County up with C-Tran, she did not understand why the Board would consider a half penny tax now. There are forty-five (45) other counties in Georgia with an 8% tax, and they are not losing anything. Students are unable to work because they have no transportation. Ms. Abdul-Salaam also pointed out instances in which people have had to walk to the hospital to seek medical help due to their lack of transportation. She opined that it does not make any sense for the Board not to levy a full penny for public transit. Failing to do so would result in losing educational opportunities, economic growth, environmental safety, "green" opportunities, and a sense of excellence for the County. If the Board only approves the half penny tax, the County will only receive "half" transit service; and it deserves better.

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9) Robbie Ashe, a resident of Fulton County, Georgia and current Chair of the MARTA Board of Directors, stated that MARTA was enthusiastic about Clayton County participating as a full partner through the levy of a full penny tax. He assured the Board that a full penny tax can extend existing MARTA routes, create job hubs to the airport, and help recruit Clayton County residents for great job opportunities. Commuter rail is another advantage, and the full penny tax will fulfill a dream for this County. Mr. Ashe said he looked forward to Clayton County being a full partner, and the current MARTA member jurisdictions would support the County as well with a full penny tax. MARTA can work out the language with Norfolk Southern for future rail service which would be above and beyond anything this County could imagine. He could not, however, offer the same assurance with the half penny tax because full membership with MARTA would not be present with the half penny. Mr. Ashe finally stated that tonight is a wonderful opportunity for public transit in Clayton County.

10) Maceo Williams stated he was a current Fulton County resident and served on the Atlanta Transit Advisory Board. He supported the full penny tax for public transportation because elderly persons have to go somewhere and young people need jobs. Regardless of a 3-2 vote or a block vote on this issue, citizen concerns have to be addressed by the leaders of this County. He reminded the commissioners that the citizens voted them in and they need to do the right thing.

6. PRESENTATION: "2014 Scholarship Winners for the 2014 Tybee Island Trip in conjunction with the Kids Outdoor Initiative." [NOTE: The scholarship winners did not show up for this presentation.]

7. Ramona Thurman, Interim Purchasing Agent of Central Services, presented five (5) items that resulted in the following Board actions.

(NOTE: The entire Purchasing Ordinance for Clayton County, Georgia can be viewed on the MuniCode website. Citizens can access this website via the following website address: <http://library.municode.com/index.aspx?clientId=10562>.)

1) Approved a **Crack Sealing for Board of Commissioners and Central Services, Request for Informal Written Quote Approval** (Wall Asphalt Services, Inc., located in Carrollton, Georgia; PO #14-4329; POR #00012670 in the amount of \$11,775.00; and POR #00012700 in the amount of \$11,383.00. Funding is available through the Transportation and Development R&M account), as requested by the Transportation & Development Department. Per Section 2-136 (4) of the Clayton County Purchasing Ordinance, the written quote method is used for all purchases from \$500.00 to

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\$24,999.99. Buyers are required to solicit quotations and receive written responses from vendors. All reasonable efforts will be made to obtain three written quotations for each item solicited. Awards for written quotations are given strictly on a lowest quote. Vote unanimous.

2) Approved a **Purchase of New Chairs for Cafeteria at Frank Bailey Senior Center** (Government Sales, LLC, located in Morehead City, North Carolina; POR #00013146/GSA Statewide Contract #GS-27F-022BA; \$28,100.00. Funding is available through the Senior Services General Fund Account), as requested by the Senior Services Department. Per O.C.G.A., § 50-5-100 states, "The Department of Administrative Services is authorized to permit local political subdivisions, on an optional basis, to purchase their supplies through the state." This allows the purchasing agent to utilize statewide contracts when this practice serves the best interest of Clayton County. The Clayton County Board of Commissioners makes the final award for the state contract purchases of \$35,000.00 and greater. Vote unanimous.

3) Approved **Pkg. #2014-X Acoustic Ceilings for the Clayton County Parks & Recreation Department, Harris County Department of Education (HCDE) Contract #10/052JC-02** (Kellogg Brown & Root, LLC [KBR], located in Atlanta, Georgia; \$277,233.38 [\$138,616.69 per recreation center]; Cooperative Purchase HCDE Contract #10/052JC-02. Funding is available through the 2004 SPLOST Funds), as requested by the Parks & Recreation Department. Per Section 2-114 of the Clayton County Purchasing Ordinance; Cooperative Purchasing Methods, the County may join with other governmental units in cooperative purchasing plans when the best interest of the County would be served thereby. The Clayton County Board of Commissioners makes the final award for cooperative purchases of \$35,000.00 and greater. Vote unanimous.

4) Approved a **Purchase of Enterprise Software Agreement with Dell for the purchase of Microsoft Enterprise Licensing for Windows and Office Software** (State Contract with Dell Computers #25AF0; \$384,782.46. Funding is available through the Other General Government Minor Equipment Account), as requested by the Information Technology Department. Per O.C.G.A., § 50-5-100 states, "The Department of Administrative Services is authorized to permit local political subdivisions, on an optional basis, to purchase their supplies through the state." This allows the Purchasing Agent to utilize statewide contracts when this practice serves the best interest of Clayton County. The Clayton County Board of Commissioners makes the final award for the state contract purchases of \$35,000.00 and greater. Vote unanimous.

5) Approved **RFB Pkg. #14-09 Ball Field Renovations** (Benson Construction Company, Inc., located in Tifton, Georgia. Funding is available through the 2009 SPLOST funds), as requested by the Parks and Recreation Department. Per Section 2-136 (1) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed bid method when the costs of goods and

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services are in excess of \$25,000.00. The Clayton County Board of Commissioners has the final award approval for all non-budgeted bids \$35,000.00 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Chief Financial Officer and purchased by the Director of Central Services without Board of Commissioners' approval. Vote unanimous.

8. Ramona Thurman, Chief Financial Officer, presented four (4) budget amendments which resulted in the following Board actions.

1) Approved Budget Amendment #2-53/Federal Narcotics Condemnation Fund/FYE 6-30-14 – to purchase two (2) used Ford Expedition vehicles for the Sheriff's Office, in the amount of \$23,400.00. Vote unanimous.

2) Approved Budget Amendment #2-54/Parks and Recreation/FYE 6-30-14 – to establish the budget to assist with repair and maintenance costs associated with Maddox Road Park, per Resolution 2014-143, in the amount of \$250.00. Vote unanimous.

3) Approved Budget Amendment #2-55/Solicitor General/FYE 6-30-14 – to amend in additional revenue received to purchase seventeen (17) computers, in the amount of \$25,000.00. Vote unanimous.

4) Approved Budget Amendment #4-99/Fund 306 – 2004 Roads and Recreation SPLOST/FYE 6-30-14 – to amend the budget for Transportation and Development SPLOST project closures, in the amount of \$928,805.00. Vote unanimous.

Commissioner Edmondson asked if the County were decreasing the expenses on Anvilblock Road, Mount Zion Road, Rex Road, etc. because these projects are completed under budget and being moved to undesignated funds. He understood that the projects were closed and the monies are going from specific projects to "undesignated T&D."

Ms. Thurman replied the projects are closing out and these are the final expenditures for the projects.

Commissioner Edmondson asked if the monies are going to the projects from undesignated funds. Ms. Thurman answered that is correct. Monies are being taken out of the undesignated Fund Balance and placed into each account.

9. PRESENTATION: Proposed Annual Operating Budget for FY-2015 with *Amendments* (presented by Ramona Thurman, Chief Financial Officer).

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Ms. Thurman presented the following proposed FY-2015 budget to the Board:



Ramona Thurman, Chief Financial Officer

CLAYTON COUNTY FINANCE DEPARTMENT
112 SMITH STREET JONESBORO, GEORGIA 30236
PHONE: 770-477-3222
Fax: 770-477-3235

Date: July 1, 2014
To: Clayton County Board of Commissioners
From: Ramona Thurman, Chief Financial Officer
Subject: Amendments to the Fiscal Year 2015 Recommended Budget

Listed below are amendments to the FY 2015 Proposed Annual Budget which are being presented for your consideration and approval.

	Revenue	Expenditure
Department/Item	Amount	Amount
Probate Court		
Add: Part-Time Mental Health Court Coordinator	\$	37,500
EMS		
Add: Healthcare Information Coordinator Grade 29-1	\$	85,386
EMA		
Add: EMA Planning Officer Grade 27-1	\$	71,475
Code Enforcement		
Add: 2 Full Time Code Enforcement Officers Grade 16-1	\$	86,520
Delete: 2 Part Time Code Enforcement Officers	\$	(32,500)

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**Southern Regional Hospital
Authority**

Add: General Assistance Expense	\$	7,400,000
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Other General Government

Appropriation from General Fund Balance	\$	(5,429,969)
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Decrease Operating Transfer Out	\$	(2,218,412)
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(Decrease support for Fire Fund due to 0.6 millage increase)

Total Amendments to FY 2015 General Fund Budget	\$	(5,429,969)	\$	5,429,969
Recommended FY 2015 General Fund Budget		(180,393,220)		180,393,220
Revised FY2015 General Fund Budget	\$	(185,823,189)	\$	185,823,189

Fire Fund

Increase Property Taxes-Current Year (Millage increase 0.6)	\$	(1,530,704)
Increase Personal Property Taxes-Current Year		(576,788)
Increase Public Utility Taxes-Current Year		(110,920)
Decrease Operating Transfer In		2,218,412

Total Amendments to FY-2015 Fire Fund Budget	\$	-	\$	-
Recommended FY-2015 Fire Fund Budget		(19,980,826)		19,980,826
Revised FY-2015 Fire Fund Budget	\$	(19,980,826)	\$	19,980,826

Amendments to the Fiscal Year 2015 Recommended Budget

Revised Recommended FY-2015 Total Budget		
General Operating Fund	\$	185,823,189
Special Revenue Funds		30,813,613
Capital Project Funds		45,798,172
Debt Service Fund		1,984,238
Internal Service Fund		20,485,220
Enterprise Fund		3,832,880
Total All Funds	<u>\$</u>	<u>288,737,312</u>

PROPOSED MILLAGE RATES

General Fund M & O

Gross Millage	20.953	mills
L.O.S.T. Credit	<u>(6.084)</u>	mills
Net Millage	14.869	mills

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Fire Fund

5.000 mills

Ms. Thurman announced that public hearings on the proposed FY-2015 millage rate would be held in the Commissioners' Boardroom on Tuesday, July 15, 2014, at 6:00 p.m.; Tuesday, July 22, 2014, at 11:00 a.m., and Tuesday, July 22, 2014, at 6:30 p.m. Additionally, a Special Called Meeting to adopt the millage rate would be held at the same location on July 22, 2014 at 7:00 p.m.

10. Tamara Duggans, Human Resources Manager, presented three (3) requests that which resulted in the following Board actions.

1) Approved a Request for the new Police Deputy Chief's starting salary at \$106,054.10 (Grade 35 Step 25). The salary for both retired Deputy Chief Chris Butler and Deputy Chief Gina Hawkins is \$106,054.10. Setting this as the salary for the new Deputy Chief will provide parity and equal pay for equal work. In addition, this will be budget neutral, as the salary paid to the new Deputy Chief is the exact same as was paid to retired Deputy Chief Butler. The Deputy Chiefs are critical to the mission of the Police Department and the County must be able to attract and retain a person of exceptional knowledge, skill and ability with the appropriate educational background to continue to move the County forward. Vote unanimous.

2) Approved a Request to reorganize the E-911 Communications Unit by eliminating two (2) Dispatcher I positions (Pay Grade 17), one Dispatcher III position (Pay Grade 19), and an Operations Supervisor position (Pay Grade 26) to create a Communications Shift Supervisor (Pay Grade 23), a new position of E-911 Operations Manager (Pay Grade 27), and a new Training and Professional Standards Supervisor (Pay Grade 25). These changes will result in an overall savings of \$6,092.87. Vote unanimous.

3) Approved a Request to permanently transfer the Indigent Defense Department to Court Administration which will include:

1. Change of title for Director of Indigent Defense to Indigent Defense Manager (no change in grade or salary – Grade 23/Step 1; \$43,359.00).

2. Organization # 2015 will become a division of Organization #2001.

Indigent Defense will become a division within Court Administration. Over the years, the case load for Indigent Defense has decreased due to the partnership with the Public Defender's Office. By moving the Indigent Defense function to Court Administration, the employees of Indigent Defense can also assist with initiatives and demands of Court Administration. Vote unanimous.

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11. Approved Resolution 2014-156, a Resolution providing for the adoption of the County's Budget for Fiscal Year Ending June 30, 2015; to provide for the appropriation of expenditures and recognition of anticipated funding sources; to provide for the circumstances under which the budget may be amended by the Board of Commissioners, the Chairman, or the Chairman's Designee; to provide an effective date of this resolution; and for other purposes. The motion carried 3-2. Chairman Turner, Vice-Chairman Rooks, and Commissioner Edmondson voted in favor. Commissioners (Singleton) Gregory and Hambrick opposed.
12. Approved Resolution 2014-157, a Resolution authorizing Clayton County to enter into a Contract with the State of Georgia, Department of Family and Children Services on behalf of Clayton County Extension Service, providing for the terms and conditions under which parenting education services will be delivered and administered; to authorize the Chairman to execute the contract on behalf of the County and otherwise to perform all acts necessary to accomplish the intent of this resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required; to provide an effective date of this resolution; and for other purposes. Vote unanimous.
13. Approved Resolution 2014-158, a Resolution authorizing Clayton County to enter into an Intergovernmental Agreement with the Georgia Department of Corrections, on behalf of the Clayton County Prison, for the care and custody of state inmates; to authorize the Chairman to execute the Intergovernmental Agreement and otherwise perform all acts necessary to accomplish the intent of this resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required under the terms of the agreement; to provide an effective date of this resolution; and for other purposes. Vote unanimous.
14. Approved Resolution 2014-159, a Resolution authorizing Clayton County to accept seized vehicles (a white 1993 Mazda B2600 Cab Plus and a black 1999 Ford Taurus LX) from Clayton County Police Department Drug investigations; to authorize the sale of such property in a manner as will be in the best interest of the County; to provide for the disbursal of sale proceeds; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense; to provide an effective date of this resolution; and for other purposes. Vote unanimous.
15. Approved Resolution 2014-160, a Resolution authorizing the trade or other disposition of a condemned vehicle (one 2009 Maserati Granturismo) from the Clayton County Police Drug Task Force; to authorize the Director of Central Services to effect the disposition of said vehicle as a surplus item; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an

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appropriate revenue source and expense; to authorize the disbursement of proceeds from the trade of such property; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

16. Approved Resolution 2014-161, a Resolution authorizing Clayton County to enter into a Consultant Agreement with The Collaborative Firm, LLC, providing for the terms and conditions under which professional planning support services will be provided; to authorize the Chairman to execute the agreement along with any other documents necessary to accomplish the intent of this resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be necessary under the terms of the agreement; to provide an effective date of this resolution; and for other purposes. The motion carried 3-2. Chairman Turner, Commissioner (Singleton) Gregory, and Commissioner Hambrick voted in favor. Vice-Chairman Rooks and Commissioner Edmondson opposed.

17. Approved Resolution 2014-162, a Resolution to give notice of Clayton County's intent to abandon and convey property consisting of approximately 1.13 acres of right-of-way formerly known as Sherman Road and particularly described herein; to authorize publication of notice; to set a public hearing; to authorize the Chairman to execute any documents necessary to accomplish the intent of this resolution; to provide for severability; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

18. Approved Resolution 2014-163, a Resolution to provide for the designation of a Dog Control Officer who will exercise the powers assigned under provision of the Responsible Dog Owner Law; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

19. Approved Resolution 2014-164, a Resolution authorizing Clayton County to enter into Users Agreements with certain regional jurisdictions to receive, possess and use radio system keys for public safety programming and interoperability purpose; to authorize access to Clayton County's radio system key; to authorize the Chairman, or the Director of Information Technology as his designee, to execute the Users Agreements; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

20. Approved Resolution 2014-165, a Resolution of the Board of Commissioners of Clayton County, Georgia approving and authorizing the execution, by the Chairman of the Clayton County Board of Commissioners, of a rapid transit contract between Clayton County and the Metropolitan Atlanta Rapid Transit Authority providing for the terms and conditions of the acquisition, construction, improvement and operation of a rapid transit system; requesting the Election Superintendent to call an election of the voters of Clayton County to approve the levy of a retail sales and use tax at the rate of one half of one percent for rapid transit purposes; approving the form of ballot to be used in such an election; and for

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other purposes. The motion carried 3-2. Commissioners (Singleton) Gregory, Hambrick, and Edmondson voted in favor. Chairman Turner and Vice-Chairman Rooks opposed.

At the request of Commissioner Hambrick, Clerk Haywood read into the record two (2) letters regarding proposed rail service in Clayton County – one (1) letter was from Norfolk Southern and one (1) letter was from MARTA CEO Keith Parker. Following are those two letters, respectively.

NORFOLK SOUTHERN

Norfolk Southern Corporation
Strategic Planning
Three Commercial Place
Norfolk, VA23510

June 24, 2014

John V. Edwards
General Director Passenger Policy
757-629-2838
757-533-4884-Fax
John.Edwards@nscorp.com

Rich Krisak
Chief Operating Officer
Metropolitan Atlanta Rapid Transit Authority (MARTA)
2424 Piedmont Road, NE Atlanta,
Georgia 30324-3311

Re: Jonesboro -East Point

Dear Rich,

This morning I saw on-line a WABE article entitled "Clayton Holds Final Public Meeting Before MARTA Vote." That article states unequivocally that the capital cost of introducing commuter rail between East Point and Jonesboro would be \$270 million, provided that the service would share a track with Norfolk Southern. The article claims that the project would be "service-ready in six years." Similarly, the article states that the capital cost of introducing commuter rail on its own track but within the Norfolk Southern right-of-way between East Point and Jonesboro would cost \$350 million. The article claims that the project would be "service-ready in 8-10 years."

As explained in my earlier letter, instituting commuter rail service over Norfolk Southern's route would not be cheap, fast or easy. I have not reviewed the information that the article is based on, and Norfolk Southern has performed no analysis on the issue, so I can make no comment on

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whether the numbers quoted have any basis. However, I do want to extend a very basic caution on two fundamental points.

First, Norfolk Southern has had no discussions nor performed any analysis as to whether and under what conditions it would permit commuter service to be introduced on the S Line or the associated right-of-way. As I have previously mentioned, over the past several years, the S Line (Atlanta-Lovejoy-Griffin-Macon) has become a key strategic reserve line for Norfolk Southern. Traffic on Norfolk Southern has returned full force. We have met, and in many places exceeded, historic peak levels. Norfolk Southern's H Line (Atlanta-McDonough-Macon) carries a significant amount of this traffic, and volumes continue to grow. As such, the S Line capacity, whether currently used or not, is critically important for Norfolk Southern freight service. Simply put, Norfolk Southern has not agreed to introduction of any passenger service, has not studied or agreed to study the issue, and so a claim that service could be introduced in six years simply is not realistic.

Second, even if Norfolk Southern were to agree to study the possibility of permitting commuter service to be introduced on the S Line or the associated right-of-way, there is the question of the cost of that access, whatever the basis of that cost. We have discovered over time that inevitably public entities dramatically underestimate the costs associated with the introduction of commuter service.

Especially in this corridor, any evaluation of introducing commuter service must consider the infrastructure, including bridges and modifications to existing roadway and highway bridges necessary to expand the capacity of the line, regardless of whether or not Norfolk Southern would choose to install that added capacity immediately. Further, acquisition costs for any right-of-way necessary to accommodate rail infrastructure or modifications to highway infrastructure would have to be developed and the right-of-way reserved. The connection between existing MARTA light rail and the proposed commuter rail services must be examined carefully to ensure this connection provides transparency to freight operations. Additionally, Norfolk Southern would treat any payment for anything -- infrastructure, access, supervision, etc. -- associated with access to our tracks and/or right-of-way as taxable income. That means that the cost to the public for every \$10 in value is on the order of \$16. I do not know if the numbers quoted in the article take these matters into account.

Again, this is not to say that a commuter service would be impossible to introduce. Instead, the issue would have to be jointly studied, which study is in its own right a time consuming and costly endeavor. I caution against using the numbers and timeline quoted in the article, in both cases as they are likely to be dramatically understated. Please let me know if you have further questions.

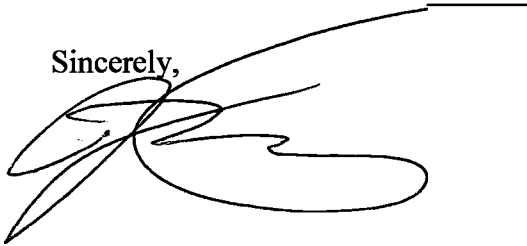
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Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke extending to the right.

John V. Edwards

Cc: Jeffrey E. Turner, Chairman, Clayton County Board of Commissioners

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2424 Piedmont Road, NE
Atlanta, GA 30324
404-848-5000

June 25, 2014

Michael Edmondson
Commissioner – District 4
Clayton County Commissioners
Clayton County Administration
112 Smith Street, Annex 1
Jonesboro, GA 30236

Dear Commissioner Edmondson:

I wanted to make you aware of a letter MARTA received from the Norfolk Southern Railroad concerning plans for commuter rail in Clayton County. The correspondence received from Norfolk Southern is disappointing in that it is pessimistic about the rail option contained in the proposed Clayton Extension Report.

Although Norfolk Southern does not completely discount the possibility of utilizing a shared line or right of way, the railroad's position is negative and questions the costs and timelines associated with the construction. MARTA believes that the planned extension developed by a third party consultant with extensive experience in rail line construction is a realistic plan but was always contingent upon the cooperation of Norfolk Southern, which does not appear feasible at this time.

MARTA still believes that the development of a high capacity transit option will be possible in Clayton County but, given Norfolk Southern's opposition to the proposed rail extension, understands the concern regarding the commitment to a one cent tax for a project that will require further study. In light of this issue the Authority has developed a service plan that continues its commitment to provide an extensive bus system to Clayton County but will require the levy of only a one half cent tax. We are revising the bus plan that you have previously reviewed to include those changes requested at Monday's Commission meeting and will provide this plan, together with a revised rapid transit contract reflecting the change in service and proposed tax rate, tomorrow.

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Michael Edmonson
Commissioner - District 4
June 25, 2014
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MARTA remains committed to commencing service in Clayton by mid-year 2015 and believes that the service will quickly provide Clayton residents access to important job hubs, such as the Airport. The extension of service will also provide Clayton residents with a variety of new job opportunities.

As previously stated, MARTA still believes that a high capacity transit service, either the proposed rail line or a dedicated bus rapid transit service, is a possibility for Clayton County. MARTA remains committed to pursuing this option. Our intent to fulfill this commitment will be reflected in the rapid transit contract with a provision that a study committee, composed of Clayton and MARTA representatives, be formed within the next two years. The committee will be required to present a recommended course of action to the Clayton Commission and the MARTA Board of Directors within a year of its formation. I look forward to continuing the discussion about high capacity transit and believe we will make this option a reality for Clayton County in the near future. If you would like to discuss this matter further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith T. Parker".

Keith T. Parker, AICP
General Manager/CEO

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After Clerk Haywood read the above-listed letters into the record, this Board discussion ensued.

When the Board met with MARTA CEO Keith Parker at the June 23, 2014 Special Called Meeting, Vice-Chairman Rooks indicated she had asked about four questions. She had asked what would happen if the Board voted to levy the one penny sales tax. The next step would be for the MARTA Board members to allow the County in and then the voters would be allowed to decide. A critical question would then be what would happen if the rail company denied the County's ability to run its carts on the rail. Vice-Chairman Rooks said she had also asked legal counsel what would happen if the County could levy a one (1) penny sales tax because she wanted the Board to be fiscally responsible about monies entrusted to the County. She affirmed that her proposal to MARTA was to levy a one (1) penny sales tax but also to allow the County to put the balance of that into an escrow account designated for rail service. Vice-Chairman Rooks then asked Mr. Parker if MARTA had accepted that proposal.

Mr. Parker replied that is correct.

Vice-Chairman Rooks stated she understood that the County would not be giving the other half penny it would want to use for rail to MARTA as a whole.

Mr. Parker answered that is correct.

Vice-Chairman Rooks further stated that the half penny would be separately constrained for Clayton County only.

Mr. Parker responded for the purposes of a high capacity transit option only.

Vice-Chairman Rooks asked if the MARTA Board would accept the letter that was just read to the Board allowing Clayton County to enter as a partner with only a half of a penny.

Mr. Parker replied that he wanted to put that matter into context. The response he had sent to the Board earlier in the week was a full penny option. MARTA knew that the second it put out any numbers and time periods that Norfolk Southern would counter that they would be insufficient and unrealistic. When the note came back that \$350 million dollars would be put up for ten years, MARTA knew the railroad's response would be..."not enough money and not enough time." Despite MARTA's usage of figures and time periods from a very reputable firm, Norfolk Southern disagreed with them. MARTA agreed to give the County two (2) options by the end of the week – one half penny and a full penny – in order to have fair negotiations. Subsequently, MARTA had a conversation with Norfolk Southern and

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it expressed a willingness to work with MARTA. MARTA did its due diligence in presenting both options to this Board. Mr. Parker stated it was his firm belief that the MARTA Board would wholeheartedly endorse a full penny option (as Mr. Ashe had indicated earlier), and Clayton County would be protected from its monies being utilized for any other purpose. MARTA has heard from its other member jurisdictions (DeKalb County, Fulton County, and the City of Atlanta) that they would fully support Clayton County joining MARTA as a full partner by using the full penny option. They would not, however, support the half penny option. Mr. Parker concluded that MARTA had given this County every protection possible and an assurance of high quality rapid transit service.

Vice-Chairman Rooks surmised that MARTA Board Chairman Robbie Ashe had stated that Fulton County, DeKalb County and the City of Atlanta would likely not accept Clayton County joining as a voting member of its board with anything less.

MARTA Board Chairman Robbie Ashe said he felt strongly that the MARTA Board will not approve a half-cent participation for fifty (50) years.

Mr. Parker confirmed that his letter was sent to all the commissioners, not just Commissioner Edmondson.

Commissioner Hambrick stated when transportation studies were completed, citizens were told rail and bus service could be provided for Clayton County, and then the Board received the letter from Norfolk Southern and the MARTA letter stating the County could come in with a half penny. If the County cannot provide the citizens with the rail and only the buses, then she felt the County should only pay for the buses. Commissioner Hambrick further stated that Mr. Parker said a unique kind of service would be provided and the citizens would not miss any routes. She also believed that a route was added for Highway 138 with the half penny option.

Mr. Parker responded MARTA has outlined to the Board the cost for robust bus service, the cost to provide rail service from the engineering report and, plus, if Norfolk Southern denied sharing tracks, MARTA would offer a high capacity transit option. MARTA has had discussions with other member jurisdictions and their feedback was that MARTA is already offering Clayton County benefits that it did not offer any of its other members, and they did not understand why the County could not opt in with a full penny. Mr. Parker further stated if MARTA were not able to address the County's concerns with the language changes, guarantee of bus services, and guarantee that the County's monies would not be used for expansion of other areas around this region, then it would be difficult for him to go back and say to the MARTA Board that a fair agreement has been worked out between Clayton County and MARTA.

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Commissioner Hambrick stated one reason the County would not opt for a full penny is because the County could use a half penny and receive the bus services. The County just passed an unsustainable budget which is going to cause Clayton County citizens a tax increase plus the one (1) cent tax increase which will put the County above other counties such as Fayette, Rockdale, and perhaps Douglas. Commissioner Hambrick further stated that she is trying to protect the citizens. She contended that she was not opposing transit; she just did not want the County to be overpriced. Commissioner Hambrick understood that the monies could be put aside, but she wondered who would determine how that money would be eventually used. She surmised that Norfolk Southern could not give the Board the date for rail service, and it could possibly be twenty (20) to fifty (50) years.

Mr. Parker assured Commissioner Hambrick that MARTA had compiled sound engineering estimates. If the current railroad owner does not want to cooperate, then it certainly becomes more difficult. For this reason, MARTA put in the contract that it would work with the County to develop another high capacity transit option.

Commissioner Edmondson asked if MARTA initiated a high capacity service in the Moreland Avenue area that eventually closed.

Mr. Parker answered he was not familiar with that service, and it was Memorial Drive (not Moreland Avenue).

Commissioner Edmondson then asked if it closed down due to a lack of riders.

Don Williams, Senior Director of Transit System Planning, noted that Commissioner Edmondson had referenced a demonstration project (Memorial Drive Bus Rapid Transit) that MARTA put in place to address high capacity in that corridor. Due to the down turn in the economy, that particular project did not perform well. MARTA, in turn, cut back the BRT and implemented more of an express bus service.

Commissioner Edmondson mentioned that Mr. Parker had spoken about a joint study with Norfolk Southern. He asked Mr. Hancock if it were possible to move forward with the half penny MARTA contract and, if agreed upon at a later date, the County could have an additional referendum to bring the sales and use tax from seven and a half percent (7 ½%) to eight percent (8%) – after the railroad has made an agreement.

Mr. Hancock answered although legislation opened the window until November 2016, it is deceiving. Under the existing law, a referendum is required to be conducted in the General Election and the only

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one is November 2014. It is conceivable, however, that the window could be opened again with legislative action.

Commissioner Edmondson asked how many times this window has been opened for Clayton County in recent years. Mr. Hancock responded this has been the second time, and it has only been for one election.

Vice-Chairman Rooks alerted Commissioner Edmondson that the Board is not certain if it is going to have the opportunity to levy an additional half penny. She wanted to know what would happen if another opportunity is not presented.

Commissioner Edmondson replied that the Board is not certain if Clayton County residents are even going to vote on this additional half penny.

Vice-Chairman Rooks stated her concern to her colleagues is that the Board will lose its opportunity. The Board heard earlier from Mr. Ashe that the MARTA Board will not approve the half penny tax. Vice-Chairman Rooks voiced that the Board is going to lose its opportunity if it approves the half penny now with access to another half penny in two years. The Board needs to propose a solution that helps everyone; i.e., to allow the half penny to fund buses and to put the other half penny into a coffer for the benefit of Clayton County. Vice-Chairman Rooks said there is no reason why the Board should allow the voters to vote on a scenario of a half penny in the future. She then asked for her colleagues to respectfully reconsider their position.

Chairman Turner agreed with Vice-Chairman Rooks and expressed that the Board is building a better Clayton County today and does not need to wait until tomorrow. He urged his colleagues to reconsider, amend this resolution, and push this matter forward.

Commissioner (Singleton) Gregory stated she stood on her earlier statement that she did not feel comfortable with an eight percent (8%) sales and use tax in the County right now. The County is already losing retail and the citizens are complaining about the lack of economic development. Neighboring counties only have six percent (6%) and seven percent (7%) taxes. The County is also burdened with the bail-out of Southern Regional Medical Center and the passing of the FY-2015 budget. She understood that everybody will not be satisfied. As a steward of the taxpayers' money, Commissioner (Singleton) Gregory said she would have to approve the half penny sales and use tax.

Chief Staff Attorney Christie Barnes requested an Executive Session to discuss litigation, personnel, and real estate matters. The Board generally consented to have an Executive Session for the

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aforementioned reasons.

Motion by Vice-Chairman Rooks, second by Commissioner Edmondson, to go into Executive Session in the Commissioners' Conference Room at 8:27 p.m. to discuss litigation, personnel, and real estate matters. Vote unanimous.

Motion by Vice-Chairman Rooks, second by Commissioner Edmondson, to go out of Executive Session at 9:06 p.m. Vote unanimous.

Motion by Vice-Chairman Rooks, second by Chairman Turner, to reconvene the Regular Business Meeting in the Commissioners' Boardroom at 9:07 p.m. Vote unanimous.

There being no further business to discuss, motion by Vice-Chairman Rooks, second by Commissioner Edmondson, to adjourn the Regular Business Meeting of July 1, 2014 at 9:07 p.m. Vote unanimous.